

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
ADMINISTRATIVE ADJUDICATION DIVISION

RE: DCPKM ENTERPRISES, INC.  
NOTICE OF VIOLATION OC&I/UST 2009-01177

AAD NO. 09-019/WME

**FINAL ORDER OF DEFAULT**

This matter came on before Hearing Officer David Kerins on August 3, 2010 for entry of a Final Judgment of Default. On May 13, 2010 a Prehearing Conference Order was issued scheduling a Prehearing Conference for July 15, 2010 at 10:00 a.m. The Respondent failed to appear at the Prehearing Conference or otherwise advise of the reason for its non appearance. OC&I requested that a Conditional Default be entered pursuant to paragraph 9 of the Prehearing Conference Order.

On July 16, 2010 an Order was entered granting OC&I's motion for a Conditional Default. The Order advised Respondent that a Final Judgment of Default shall be entered against it unless it files good cause in writing by July 26, 2010 why a Final judgment should not be entered. As of August 3, 2010 no response has been received from Respondent.

**FINDING OF FACT**

1. On May 13, 2010 a Prehearing Conference Order was issued setting the matter down for Prehearing Conference on July 15, 2010 at 10:00 a.m.
2. The Prehearing Conference Order in paragraph 9 states that a party shall be defaulted for non appearance.
3. Respondent failed to appear for the Prehearing Conference on July 15, 2010 or otherwise advise of a reason for its nonappearance.
4. OC&I requested a Conditional Default be entered.
5. On June 26, 2009 a Conditional Default was entered giving Respondent until July 7, 2009 to provide good cause in writing why a Final Judgment of Default should not be entered.
6. As of July 15, 2009 no response has been received from the Respondent.
7. Respondent is in Default.

CONCLUSIONS OF LAW

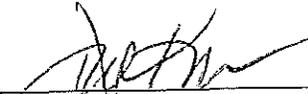
1. The Respondent is in Default.
2. Respondent's Appeal is deemed to be waived.

Wherefore, it is hereby

ORDERED

1. Respondent, DCPKM Enterprises, Inc. is in Default and is deemed to have waived its right to an adjudicatory hearing.
2. Respondent's Appeal is Dismissed.
3. The Notice of Violation issued on August 27, 2009 is final and become a compliance order against Respondent, DCPKM Enterprises, Inc. immediately upon the entry of the Final Agency Order herein.

Entered as a Final Administrative Order this 5<sup>th</sup> day of August, 2010.

  
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David Kerins  
Chief Hearing Officer  
Administration Adjudication Division  
235 Promenade Street, Third Floor  
Providence, RI 02908  
(401) 222-1357

CERTIFICATION

I hereby certify that I caused a true copy of the within Order to be forwarded by first-class mail, postage prepaid to Daniel McCarthy, President, DCPKM Enterprises, Inc., 5 Shipyard Street, Providence, RI 02905 and via interoffice mail to Richard M. Bianculli, Jr., Esquire, DEM Office of Legal Services and David Chopy, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 5<sup>th</sup> day of August, 2010.

  
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Brian R. Stewart